

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILSON LUGO, :
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Plaintiff, :
:
-against- :
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CITY OF NEW YORK, et al., :
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Defendants. :
:
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DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 5/12/2020

19-CV-6086 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiff brings this action under 42 U.S.C. § 1983 against the City of New York, three named New York City police officers, and four or five John Doe New York City police officers. (See Doc. 2.) By Order dated September 10, 2019, I stayed this action pending completion of the open investigation by the Civilian Complaint Review Board (“CCRB”) into the incident alleged in the complaint. (Doc. 16.) On September 13, 2019, I adjourned Plaintiff’s time to effectuate service sine die and stated that after the CCRB investigation had concluded, I would enter an order directing the City of New York to identify the John Doe Defendants and setting a deadline for Plaintiff to amend the complaint to add those John Doe Defendants.

On May 8, 2020, Defendants submitted a letter informing me that (1) the CCRB investigation has concluded, and (2) requesting an extension of time for all Defendants to answer in light of the COVID-19 pandemic and to allow the Office of the Corporation Counsel of the City of New York time to determine if it will represent the individual officer Defendants.

Under *Valentin v. Dinkins*, a pro se litigant is entitled to assistance from the district court

in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). A review of the Complaint suggests that Plaintiff may have supplied sufficient information to permit the New York City Police Department to identify the John Doe police officers who are alleged to have contributed to the deprivation of Plaintiff's constitutional rights, i.e. the "plainclothe[s] N.Y.P.D. Detective" and the other officers who arrested him, and any other officers who were at the scene. (*See* Doc. 2, at ¶¶ 3–5.)

Accordingly, it is hereby:

ORDERED that the stay of this action is hereby lifted.

IT IS FURTHER ORDERED that all Defendants' time to answer is extended until August 7, 2020.

IT IS FURTHER ORDERED that on or before August 7, 2020, the Office of the Corporation Counsel of the City of New York shall determine whether or not it will represent the individual officer Defendants.

IT IS FURTHER ORDERED that the New York City Law Department shall attempt to ascertain the identity of the John Doe New York City police officers who Plaintiff seeks to sue here, along with the addresses where these Defendants may be served. By August 7, 2020, the New York City Law Department shall either (1) provide the identities and service addresses of these John Doe Defendants to Plaintiff and the Court and inform the Court whether the Law Department will be representing those Defendants, or (2) inform Plaintiff and the Court that the Law Department was unable to identify the John Doe Defendants.

The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff.

SO ORDERED.

Dated: May 12, 2020
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive style with a large, stylized "V" and "B".

Vernon S. Broderick
United States District Judge